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Restricted-use Pesticide Recordkeeping Rules for Certified Private Applicators

The Federal Pesticide Recordkeeping Program was authorized by the Food, Agriculture, Conservation, and Trade Act of 1990, commonly referred to as the 1990 Farm Bill.¹ These rules apply to both certified private and commercial applicators. The Iowa Pesticide Act already requires commercial applicators to keep records of all pesticide applications for 3 years. The new rules for private pesticide applicators require records for all **restricted use** be kept for 2 years.

The federal regulations require private pesticide applicators to record the following information within 14 days² of the restricted-use pesticide application:

- The brand or product name and the Environmental Protection Agency (EPA) registration number of the restricted-use pesticide that was applied. *Note: The registration number is not the same as the EPA Establishment Number, which is also on the label.*
- The total amount of the restricted-use pesticide applied.
- The location of the application.
- The size of the area treated.

- The crop, commodity, stored product, or site to which the pesticide was applied.
- The month, day, and year on which the restricted-use pesticide application occurred.
- The name and certification number of the certified applicator who applied the restricted-use pesticide.

The following frequently asked questions and their answers may help you understand the recordkeeping regulations.

What do I include in the total amount of the restricted-use pesticide applied?

Record the total quantity of pesticide product used, listing each restricted-use pesticide separately. Do not record the percentage of active ingredient or the amount of water used as a carrying agent.

How should I record the location of the pesticide application?

Record the actual location where the application of restricted-use pesticide was made. The United States Department of Agriculture (USDA) allows several options for recording the field “location,” including the following:

- county, range, township, and section;
- an identification system using maps and/or written descriptions that accurately identify the location;
- an identification system established by a USDA agency, such as the Farm Service Agency (FSA) or the Natural Resources Conservation Service (NRCS), that uses maps and a numbering system to identify field locations; or
- the legal property description.

What can I record as the size of area treated?

Match the terms used in the directions for use section of the product label. For example, use acres for field crops, linear feet for fencerows and rights of way, square feet for greenhouses and nurseries, or whatever designation was used on the label of the product you used. For livestock and poultry records, enter the number of animals treated.

¹Officially known as section 1491 of the Food, Agriculture, Conservation, and Trade (FACT) Act of 1990.

²However, whether or not the written record has been completed, the certified applicator shall provide the record information for medical treatment or first aid.

How do I record spot applications?

If you apply restricted-use pesticides in a total area of less than $\frac{1}{10}$ of an acre on the same day, you must record the brand or product name, EPA registration number, total amount applied, the location of treatment designated as spot application, description of the area treated, and the month, day, and year of the application. Your record also must include a concise description of location of treatment. For example, if you applied a herbicide for noxious weed control, you could record the location of treatment as a spot application, followed by an explanation such as “treated Canada thistle throughout field number 8.” **This provision excludes greenhouse and nursery applicators**, who are required to keep their records as described on page 1.

What is meant by crop, commodity, stored product, or site to which a restricted-use pesticide was applied?

This includes general references such as corn, soybean, or alfalfa, not specific scientific or variety names. Commodity also includes stored products such as grain, apples, or other agricultural products to which a restricted-use pesticide may be applied, whereas site includes fencerow, livestock, and poultry.

When do I have to record the restricted-use pesticide application information?

You must record the required information within 14 days following the pesticide application.

How long must I keep restricted-use pesticide records?

Records of restricted-use pesticide applications by private applicators must be retained for 2 years from the date of application. The Iowa Pesticide Act requires commercial applicators to keep restricted-use pesticide records for 3 years.

Does the regulation for private applicators apply to all pesticide applications?

No. The regulations only require recordkeeping for applications of federally restricted-use pesticides.

What is the difference between a certified commercial applicator and a certified private applicator?

Certified private pesticide applicators are persons, or their employees, who are certified by the state to apply restricted-use pesticides in the production of an agricultural commodity on property owned or rented by the applicator or the applicator’s employer. In addition, individuals who apply a restricted-use pesticide without compensation, other than trading personal services between producers of agricultural commodities, on the property of another person are considered private pesticide applicators. Certified commercial pesticide applicators are certified to apply general or restricted-use pesticides on the property of another person for compensation.

How does the law affect certified commercial applicators?

Commercial pesticide applicators are required to provide a copy of the required records to individuals who hire them to apply a restricted-use

pesticide. By law, the commercial applicator must provide these records to the client within 30 days of the restricted-use pesticide application. Commercial pesticide applicators can choose to provide either a copy of the application records required for the Iowa Pesticide Act or the records required under the 1990 Farm Bill.

Is a federal form required to maintain the record(s)?

No. Applicators may fit the record-keeping requirements into their current recordkeeping scheme. An example of a form that may be used for recordkeeping is an insert to this publication. Request PAT 11A or visit the ISU Extension website at www.extension.iastate.edu to print out copies.

Which federal and/or state agencies can request my restricted-use pesticide records?

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Iowa Pesticide Act, the Iowa Department of Agriculture and Land Stewardship has access to all commercial pesticide applicator records for 3 years after the date of application. Under the 1990 Farm Bill, private pesticide applicators are required to provide access to their restricted-use pesticide records to authorized representatives of the USDA and the Iowa Department of Agriculture and Land Stewardship.

Who else has access to my restricted-use pesticide records?

Licensed health care professionals, or those acting under their direction, may access your records when treating individuals who may have

been exposed to restricted-use pesticides. A licensed health care professional is defined as a physician, nurse, emergency medical technician, or other qualified individual, licensed or certified by the state to provide medical treatment.

Will the records be surveyed?

USDA's National Agricultural Statistics Service (NASS) conducts surveys on pesticide use for agricultural production. The survey

information, maintained in a data base on agricultural pesticide use, provides annual reports to Congress, which can be valuable in policy discussions involving pesticide use.

Who is responsible for surveying the nonagricultural uses of restricted-use pesticides?

EPA surveys commercial pesticide applicators who apply restricted-use pesticides to nonagricultural sites such as turf and roadsides.

Are there any penalties for violation of the federal pesticide recordkeeping requirements?

Yes. A certified pesticide applicator who violates any provision of the act will be subject to a fine of not more than \$550 for the first violation. For subsequent violations, the penalties will be not less than \$1,100 for each violation, unless the administrator of the USDA Agricultural Marketing Service, or his or her designee, determines that the certified applicator made a good faith effort to comply.

Recordkeeping Pocket Guide Available

Iowa State University Extension has developed a recordkeeping pocket guide to help farmers comply with the restricted-use pesticide rules. The pocket guide is an effective tool for farmers to use to be in compliance. It includes space for each of the items to be recorded on a field-by-field basis and contains a directory of EPA registration

numbers for commonly used restricted-use pesticides. The pesticide applicator's name and certification number, and the total amount of pesticide applied per field should be recorded in the tables provided in the pocket guide.

In addition, the pocket guide has space to enter general field records,

such as fertilizer use, manure applications, and variety planted. Not all of this general information is required under law, but producers should find the records useful. Pocket guides are available at county extension offices. Ask for ICM 1, *Field Records for Integrated Crop Management, Restricted-Use Pesticide Applications and Manure Applications*.

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